



Sullivan & Worcester LLP
1633 Broadway
New York, NY 10019

212 660 3000
sullivanlaw.com

By ECF

December 19, 2019

Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Dominion Capital LLC v. ShiftPixy, Inc.*, 19-cv-6704 (PGG)

Dear Judge Gardephe:

We represent Plaintiff Dominion Capital LLC (“Dominion”) in the above-captioned case pending before your Honor. We write in response to correspondence filed on December 17, 2019, by Defendant ShiftPixy, Inc. (“ShiftPixy”) [Docket No. 47].

On November 22, 2019, Magistrate Judge Robert Lehrburger issued a Report and Recommendation for summary judgment in Dominion’s favor. The 14-day period to appeal the Report and Recommendation passed without objection.

Dominion is writing to inform the Court that Dominion is not interested in ShiftPixy’s purported effort now to resolve this dispute, following ShiftPixy’s many months of delay and then forcing Dominion into litigation. The proposal ShiftPixy identifies in its December 17, 2019 communication is not substantively of interest to Dominion. Dominion does not believe that ShiftPixy’s letter is anything more than an attempt at further delay. It is telling that ShiftPixy has never made a viable settlement offer directly to Dominion.

We respectfully submit that ShiftPixy’s letter should not delay resolution of the Report and Recommendation and entry of an appropriate corresponding order and judgment.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ David E. Danovitch

Peter R. Ginsberg
David E. Danovitch

cc: Martin E. Karlinsky (by ECF)
John C. Clough (by ECF)